IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1338 (S/S) of 2005

Kundan Ram Arya,
aged about 47 years,
son of late Sri Soban Ram,
resident of Chiliyanaula Ranikhet,
presently posted at Senior Clerk
in the office of Executive Engineer Irrigation,
Construction Division, Ranikhet. ……Petitioner.

V e r s u s.

1. State of Uttaranchal, through Secretary Irrigation, Civil Secretariat, Uttaranchal, Dehradun.
2. Chief Engineer (North), Irrigation Department, Uttaranchal, Haldwani, District- Nainital.
3. Executive Engineer, Sinchai Niramn Khand, Ranikhet.

…….Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri Anil Kumar Joshi, learned counsel for the petitioner and learned standing counsel, who has accepted notices on behalf of respondents.

Learned counsel for both the parties are agree to decide the writ petition as its admission stage itself.

Petitioner, who is working as Senior Clerk in the office of Executive Engineer Irrigation, Construction Division Ranikhet, has challenged the order dated 28.06.2005 passed by respondent no. 2 i.e. Chief Engineer (North), Irrigation Department, Uttaranchal, Haldwani, District-Nainital, by which petitioner has been transferred from Sinchai Nirman Khand, Ranikhet to Sinchai Khand, Bagheswar.

Learned counsel for the petitioner has submitted that petitioner was appointed as Clerk vide order dated 23.05.1979 under physically handicapped quota and petitioner was posted at Divisional Office Irrigation Department, Ranikhet on the post

of Diary Dispatch Clerk. The petitioner is suffering from polio in his right leg.

Petitioner was earlier transferred on 29.06.2002 from Irrigation Construction Division Ranikhet to Kumaon Irrigation Division, Almora. Aggrieved by the Said transfer order, petitioner made a representation before Chief Engineer, Irrigation Department, Dehradun, consequently, the said transfer order was cancelled vide order dated 02.01.2004 by the Chief Engineer, Irrigation Department, Dehradun on the ground that petitioner is handicapped.

Learned counsel for the petitioner has submitted that only after a lapse of about one and half years petitioner has again been transferred by respondent no. 2 i.e. Chief Engineer (North), Irrigation Department, Uttaranchal, Haldwani, District - Nainital. Petitioner is suffering from polio, which is perennial in nature. In this regard, petitioner has already made a representation dated 04.07.2005 before respondent no.2 and the same is still pending.

During the course of the argument, learned counsel for the petitioner has prayed that respondent no. 2 may be directed to decide the petitioner's representation dated 04.07.2005 within a particular period.

In view of the aforesaid facts, I directed the respondent no.2 i.e. Chief Engineer (North), Irrigation Department, Uttaranchal Haldwani, District – Nainital to decide the petitioner's representation dated 04.07.2005 within a period of three weeks from the date of production of certified copy of this order.

With this direction the writ petition is disposed of accordingly. No order as to costs.

(M.M. Ghildiyal, J.)

September 13, 2005
SKSharma